
TITLE 326 AIR POLLUTION CONTROL DIVISION

FINDINGS AND DETERMINATION OF THE COMMISSIONER
PURSUANT TO [IC 13-14-9-8](#) AND DRAFT RULE
LSA Document #13-501

REFERENCES TO THE CODE OF FEDERAL REGULATIONS (CFR)

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for [326 IAC 1-1-3](#) concerning an update to references to the CFR to mean the July 1, 2013, edition. IDEM is also proposing to amend several provisions in [326 IAC 11-6](#) to remove obsolete language and [326 IAC 20-95-1](#) to update a reference to the CFR. IDEM is soliciting written comment on the draft rule language and will schedule a public hearing before the Environmental Rules Board for consideration of adoption of these rules.

CITATIONS AFFECTED: [326 IAC 1-1-3](#); [326 IAC 1-2-6.5](#); [326 IAC 11-6-2](#); [326 IAC 11-6-4](#); [326 IAC 11-6-6](#); [326 IAC 11-6-7](#); [326 IAC 11-6-7.1](#); [326 IAC 11-6-8](#); [326 IAC 11-9-3](#); [326 IAC 20-95-1](#).

AUTHORITY: [IC 13-14-8](#); [IC 13-14-9](#); [IC 13-17-3](#); [IC 13-17-8](#); [IC 13-19-3](#).

STATUTORY REQUIREMENTS

[IC 13-14-9-8](#) recognizes that, under certain circumstances, it may be appropriate to reduce the number of public comment periods and public hearings usually provided for under the [IC 13-14-9](#) environmental rulemaking process. In cases where the commissioner determines that there is no reasonably anticipated benefit from a second public comment period and first public hearing to either the environment or persons regulated or otherwise affected by the proposed rule, IDEM may forgo these comment periods and proceed directly to the public hearing and board meeting at which the draft rule is considered for adoption. Two opportunities for public comment (with this notice and at the public hearing prior to adoption of the rule) remain under this procedure.

If the commissioner makes the determination of no anticipated benefit required by [IC 13-14-9-8](#), the commissioner shall prepare written findings and publish those findings in the Indiana Register prior to the board meeting at which the draft rule is to be considered for adoption and include them in the board packet prepared for that meeting. This document constitutes the commissioner's written findings pursuant to [IC 13-14-9-8](#).

The statute provides for this shortened rulemaking process if the commissioner determines that:

(1) the rule constitutes:

(A) an adoption or incorporation by reference of a federal law, regulation, or rule that:

(i) is or will be applicable to Indiana; and

(ii) contains no amendments that have a substantive effect on the scope or intended application of the federal law or rule;

(B) a technical amendment with no substantive effect on an existing Indiana rule; or

(C) an amendment to an existing Indiana rule, the primary and intended purpose of which is to clarify the existing rule; and

(2) the rule is of such nature and scope that there is no reasonably anticipated benefit to the environment or the persons referred to in [IC 13-14-9-7](#)(a)(2) from:

(A) exposing the rule to diverse public comment under [IC 13-14-9-3](#) or [IC 13-14-9-4](#);

(B) affording interested or affected parties the opportunity to be heard under [IC 13-14-9-3](#) or [IC 13-14-9-4](#); and

(C) affording interested or affected parties the opportunity to develop evidence in the record collected under [IC 13-14-9-3](#) and [IC 13-14-9-4](#).

BACKGROUND

"References to the Code of Federal Regulations", at [326 IAC 1-1-3](#), indicates the yearly edition of the CFR that is applicable to federal regulations that have been incorporated by reference throughout Title 326 of the Indiana Administrative Code (IAC), unless a previous edition is specified in a specific rule. By updating the reference to the CFR at [326 IAC 1-1-3](#), IDEM can incorporate by reference the latest version of the CFR that is incorporated in Title 326, with the exception of those regulations most recently published in the Federal Register (FR).

The latest version of the CFR contained in [326 IAC 1-1-3](#) is July 1, 2011. Since that date, numerous new federal regulations have been promulgated that are not reflected in the current version of Title 326 of the IAC. By updating the reference date to July 1, 2013, Title 326 of the IAC will be consistent with those regulations that the federal government promulgated between July 1, 2011, and June 30, 2013.

The 2013 edition of the CFR is a codification of the final and effective regulations published in the FR as of

June 30, 2013. IDEM incorporates citations by reference from Titles 29 and 40 of the CFR in Title 326. Title 29 of the CFR contains federal regulations for the asbestos program. Title 29 is referenced in [326 IAC 14](#) (Emission Standards for Hazardous Air Pollutants) and [326 IAC 18](#) (Asbestos Management). These regulations are either directly incorporated by reference into Title 326 of the IAC as state-enforceable rule provisions or as federal authority for the implementation and enforcement of state rule provisions. Title 40 of the CFR includes all federal environmental regulations promulgated by the United States Environmental Protection Agency (U.S. EPA). Title 40 is referenced throughout Title 326 of the IAC.

In addition to updating the reference to the CFR, IDEM is amending certain provisions related to emission limitations for Hospital/Medical/Infectious Waste Incinerators at [326 IAC 11-6](#) to remove obsolete references to the FR, in addition to updating a referenced version of the CFR at [326 IAC 20-95-1](#).

This rulemaking also amends the definition of "board" currently defined at [326 IAC 1-2-6.5](#) as the Air Pollution Control Board. Effective January 1, 2013, the Air Pollution Control Board, Water Pollution Control Board, and Solid Waste Management Board were consolidated into the new Environmental Rules Board (ERB). This rulemaking is amending the definition of "board" to reflect the 2013 consolidation of the boards in state rules.

Examples of regulations and changes that have occurred since the last update to [326 IAC 1-1-3](#), References to the CFR, include, but are not limited to, the following:

76 FR 42052, July 18, 2011 – Final Rule – National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries: On October 28, 2009, U.S. EPA proposed to withdraw the residual risk and technology review portions of the final rule amending the National Emission Standards for Hazardous Air Pollutants (NESHAP) from petroleum refineries. This rulemaking finalizes the proposed partial withdrawal. Citation affected: [326 IAC 20-16-1](#).

76 FR 72050, November 21, 2011 – Final Rule – National Emission Standards for Hazardous Air Pollutant Emissions for Shipbuilding and Ship Repair (Surface Coating); National Emission Standards for Wood Furniture Manufacturing Operations: This rulemaking finalizes the NESHAP for Shipbuilding and Ship Repair (Surface Coating) and the NESHAP for Wood Furniture Manufacturing Operations after a residual risk and technology review (RTR) analysis by U.S. EPA. This rulemaking also finalizes revisions to the NESHAP related to excess emissions during periods of startup, shutdown, and malfunction (SSM).

Citations affected: [326 IAC 20-14-1](#); [326 IAC 20-26-1](#).

77 FR 22848, April 17, 2012 – Final Rule – National Emission Standards for Polyvinyl Chloride and Copolymers Production: U.S. EPA is establishing a NESHAP for polyvinyl chloride and copolymers production. These rules establish emission standards that apply at all times, including periods of startup, shutdown and malfunction, for hazardous air pollutants from polyvinyl chloride and copolymers production located at major and area sources. Lastly, these rules include requirements to demonstrate initial and continuous compliance with the emission standards, including monitoring provisions, record keeping and reporting requirements.

Citation affected: [326 IAC 20-69-1](#).

77 FR 49490, August 16, 2012 – Final Rule – Oil and Natural Gas Sector: New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants Review: U.S. EPA is finalizing the review of New Source Performance Standards (NSPS) for specified oil and natural gas source categories. This rule improves the existing NSPS and finalizes standards for certain crude oil and natural gas sources that are not covered by existing NSPS for this sector. Some existing requirements for the NESHAPs were revised after an RTR analysis, and the SSM exemptions in the NESHAPs were also removed. This action also revised NSPS for Volatile Organic Compounds (VOCs) from leaking components at onshore natural gas processing plants and NSPS for SO₂ emissions from natural gas processing plants.

Citation affected: [326 IAC 20-77-1](#).

78 FR 6673, January 30, 2013 – Final Rule – National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines; New Source Performance Standards for Stationary Internal Combustion Engines: U.S. EPA is finalizing amendments to the NESHAPs for stationary reciprocating internal combustion engines. Final amendments include alternative testing options for certain large spark ignition (generally natural gas-fueled) stationary reciprocating internal combustion engines, and management practices for a subset of existing spark ignition stationary reciprocating internal combustion engines in sparsely populated areas and alternative monitoring and compliance options for the same engines in populated areas. These final amendments also correct minor technical or editing errors in the current regulations for stationary reciprocating internal combustion engines.

Citations affected: [326 IAC 12](#); [326 IAC 20-82](#).

78 FR 7138, January 31, 2013 – Final Rule – National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters: In this rule, U.S. EPA is taking final action on reconsideration of certain issues in the emission standards for the control of hazardous air pollutants from certain sources under Section 112 of the Clean Air Act (CAA). U.S. EPA is making technical corrections to the final rule to clarify definitions, references, applicability and

compliance issues raised by petitioners and other stakeholders affected by this rule. Work practice standards for start up and shutdown are also revised.

Citation affected: [326 IAC 20-95](#).

78 FR 10006, February 12, 2013 – Final Rule – National Emission Standards for Hazardous Air Pollutants for the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants:

U.S. EPA is finalizing amendments to the NESHAP for Portland cement plants and to the NSPS for Portland cement plants issued under sections 112(d) and 111(b) of the CAA. This action also addressed the remand in which the DC Circuit upheld all of the EPA's methodology for establishing the Portland cement NESHAP, and denied all petitions for review challenging the NSPS. Amended also in this rulemaking are various implementation requirements to provide more compliance flexibility for affected sources.

Citations affected: [326 IAC 20-27-1](#); [326 IAC 12](#).

IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed under Federal Law

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law. This draft rule imposes no restrictions or requirements because it is a direct adoption of federal requirements that are applicable to Indiana and contains no amendments that have a substantive effect on the scope or application of the federal rule.

Potential Fiscal Impact

Updating the reference to the CFR to mean the July 1, 2013, edition in [326 IAC 1-1-3](#) provides consistency between federal and state rules and does not establish any requirements to which the regulated sources are not already subject. There are no increased costs to the regulated entities due to this rulemaking. The proposed amendments to [326 IAC 1-1-3](#) will have no fiscal impact because the amendments are an incorporation of existing federal law and no impact beyond that already imposed by the federal law is imposed by this rulemaking.

Public Participation and Work Group Information

At this time, no work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Zachary Ruzyski, Rules Development Branch, Office of Legal Counsel at (317) 232-8229 or (800) 451-6027 (in Indiana).

Small Business Assistance Information

IDEM established a compliance and technical assistance (CTAP) program under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at:

www.in.gov/idem/ctap

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Jessica Faust-Hamblin

IDEM Small Business Regulatory Coordinator

MC 60-04 IGCS W041

100 North Senate Avenue

Indianapolis, IN 46204-2251

(317) 232-8172 or (800) 988-7901

ctap@idem.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-5](#) is:

Eric P. Shields

Indiana Economic Development Corporation

One North Capitol, Suite 700

Indianapolis, IN 46204

(317) 234-3997

smallbizombudsman@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-5](#), specifically [IC 5-28-17-5\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

The Small Business Assistance Program Ombudsman is:

Brad Baughn

IDEM Small Business Assistance Program Ombudsman

MC 50-01 IGCN 1301

100 North Senate Avenue

Indianapolis, IN 46204-2251

(317) 234-3386 or (800) 451-6027

bbaughn@idem.in.gov

FINDINGS

The commissioner of IDEM has prepared findings regarding this rulemaking updating references to the July 1, 2013, edition of the CFR and the revisions to citations of federal standards that are incorporated by reference as required by federal rule. These findings are prepared under [IC 13-14-9-8](#) and are as follows:

- (1) This rule is the direct adoption of federal requirements that are applicable to Indiana, and it contains no amendments that have a substantive effect on the scope or intended application of the federal rule.
- (2) Indiana is required by the Clean Air Act (CAA) to adopt these requirements as state rule.
- (3) The environment and persons regulated or otherwise affected by the proposed rule will benefit from prompt adoption of this rule, because it alleviates unnecessary duplication of rulemaking efforts by the state by directly updating the references to the CFR that have been amended by the U.S. EPA.
- (4) I have determined that, under the specific circumstances pertaining to this rule, there would be no reasonably anticipated benefit to the environment or to persons regulated or otherwise affected by the proposed rule from the first or second written comment period under [IC 13-14-9-3](#) or [IC 13-14-9-4](#), or from the first public hearing under [IC 13-14-9-5\(a\)\(1\)](#).
- (5) The draft rule is hereby incorporated into these findings.

Thomas W. Easterly
Commissioner
Indiana Department of Environmental Management

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:
LSA Document #13-501
Zachary Ruzycki Mail Code 61-49
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251
- (2) By facsimile to (317) 233-5967. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 234-6530.
- (3) By electronic mail to zruzycki@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the email address indicated in this notice.**
- (4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped no later than December 20, 2013. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Zachary Ruzycki, Rules Development Branch, Office of Legal Counsel, (317) 232-8229 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. [326 IAC 1-1-3](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 1-1-3](#) References to the Code of Federal Regulations

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 3. Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (CFR)

shall mean the July 1, 2011, **2013**, edition*.

*This body of documents is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, **Legal Counsel**, Indiana Government Center North, ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 1-1-3](#); filed Mar 10, 1988, 1:20 p.m.: 11 IR 2369; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1102; filed Dec 14, 1989, 9:35 a.m.: 13 IR 868; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed May 25, 1994, 11:00 a.m.: 17 IR 2237; filed Jul 25, 1995, 5:00 p.m.: 18 IR 3381; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3298; filed Oct 30, 2000, 2:13 p.m.: 24 IR 667; filed May 21, 2002, 10:20 a.m.: 25 IR 3054; filed Aug 26, 2004, 11:30 a.m.: 28 IR 17; filed Oct 14, 2005, 10:00 a.m.: 29 IR 795; filed Mar 17, 2006, 1:00 p.m.: 29 IR 2517; filed Apr 26, 2007, 9:38 a.m.: [20070523-IR- 326060412FRA](#); filed Apr 1, 2008, 9:59 a.m.: [20080430-IR-326070373FRA](#); filed Jul 1, 2009, 3:12 p.m.: [20090729-IR- 326080901FRA](#); filed Oct 1, 2010, 3:49 p.m.: [20101027-IR-326100112FRA](#); filed Mar 28, 2012, 12:51 p.m.: [20120425-IR-326110472FRA](#))

SECTION 2. [326 IAC 1-2-6.5](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 1-2-6.5](#) "Board" defined

Authority: [IC 13-14-8](#); [IC 13-14-9](#); [IC 13-19-3](#)

Affected: [IC 13-11-2-17](#)

Sec. 6.5. "Board" means the ~~air pollution control~~ **environmental rules** board. (Air Pollution Control Division; [326 IAC 1-2-6.5](#); filed Jan 26, 2000, 2:03 p.m.: 23 IR 1367)

SECTION 3. [326 IAC 11-6-2](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-2](#) Definitions

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 2. (a) Terms used in this rule have the meaning set forth in the following definition sections:

- (1) 40 CFR 60, Subpart Ce, Section 60.31e*.
- (2) 40 CFR 60, Subpart Ec, Section 60.51c*. ~~as amended at 74 FR 51408, October 6, 2009.~~

(b) If a term is not defined in subsection (a)(1) or (a)(2), then the term has the meaning set forth in the CAA and 40 CFR 60, Subpart A* and 40 CFR 60, Subpart B*.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, **Legal Counsel**, Indiana Government Center North, ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 11-6-2](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1964; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3078; filed Sep 28, 2011, 10:59 a.m.: [20111026-IR-326100733FRA](#))

SECTION 4. [326 IAC 11-6-4](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-4](#) Emission limits

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 4. (a) The designated facility shall not exceed the emission limits specified in the following:

- (1) 40 CFR 60, Subpart Ce, Table 1A*. ~~as amended at 74 FR 51405, October 6, 2009, and 76 FR 18412, April 4, 2011.~~
- (2) 40 CFR 60, Subpart Ec, Section 60.52c(b)(1)*. ~~as amended at 74 FR 51409, October 6, 2009.~~

(b) The designated facility shall not exceed the emission limits, according to the compliance schedule in section 9 of this rule, specified in the following:

- (1) 40 CFR 60, Subpart Ce, Table 1B*. ~~as added at 74 FR 51406, October 6, 2009.~~
- (2) 40 CFR 60, Subpart Ec, Section 60.52c(b)(2)*. ~~as amended at 74 FR 51409, October 6, 2009.~~

(c) A designated facility, as defined in section 1(a)(2) of this rule, shall comply with the emission limits in 40 CFR 60, Subpart Ec, Table 1A*. ~~as amended at 74 FR 51414, October 6, 2009, or subsection (b), whichever applies the more stringent limit.~~

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, Washington, D.C. 20401 and are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, **Legal Counsel**, Indiana Government Center North, ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 11-6-4](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3079; filed Sep 28, 2011, 10:59 a.m.: [20111026-IR-326100733FRA](#))

SECTION 5. [326 IAC 11-6-6](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-6](#) Waste management plans

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 6. (a) The owner or operator of a designated facility shall prepare a waste management plan as specified in 40 CFR 60, Subpart Ec, Section 60.55c*. ~~as amended at 74 FR 51409, October 6, 2009.~~

(b) The waste management plan shall be submitted to the department by the date specified in 40 CFR 60, Subpart Ec, Section 60.58c(c)*.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, **Legal Counsel**, Indiana Government Center North, ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 11-6-6](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3079; filed Sep 28, 2011, 10:59 a.m.: [20111026-IR-326100733FRA](#))

SECTION 6. [326 IAC 11-6-7](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-7](#) Compliance, performance testing, and monitoring

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 7. (a) Performance tests shall be conducted and compliance shall be determined in accordance with the test methods and procedures found in 40 CFR 60, Subpart Ec, Section 60.56c*, ~~as amended at 74 FR 51409, October 6, 2009,~~ excluding the following:

- (1) Annual fugitive emissions testing requirements under Section 60.56c(c)(3)*. ~~as amended at 74 FR 51409, October 6, 2009.~~
- (2) Carbon monoxide continuous emissions monitoring (CO CEMS) requirements under Section 60.56c(c)(4)*. ~~as amended at 74 FR 51409, October 6, 2009.~~
- (3) Compliance monitoring requirements for monitoring listed in the following:
 - (A) Section 60.56c(c)(5)(ii) through 60.56c(c)(5)(v)*. ~~as amended at 74 FR 51409, October 6, 2009.~~
 - (B) Section 60.56c(c)(6)*. ~~as amended at 74 FR 51409, October 6, 2009.~~

(C) Section 60.56c(c)(7)*. ~~as added at 74 FR 51409, October 6, 2009.~~

(D) Section 60.56c(e)(6) though 60.56c(e)(10)*. ~~as added at 74 FR 51409, October 6, 2009.~~

(E) Section 60.56c(f)(7) through 60.56c(f)(10)*. ~~as added at 74 FR 51409, October 6, 2009.~~

(F) Section 60.56c(g)(6) through 60.56c(g)(10)*. ~~as added at 74 FR 51409, October 6, 2009.~~

Sources subject to the emission limits in section 4(b) of this rule may elect to use CO CEMS as specified under Section 60.56c(c)(4)* ~~as added at 74 FR 51409, October 6, 2009,~~ or bag leak detection systems as specified in Section 60.57c(h)*. ~~as added at 74 FR 51412, October 6, 2009.~~

(b) The performance testing shall also meet the requirements of [326 IAC 3-6](#), source sampling procedures, including the submittal of a test protocol not later than thirty-five (35) days prior to the intended test date. The test methods in 40 CFR 60, Subpart Ec, Section 60.56c*, ~~as amended at 74 FR 51409, October 6, 2009,~~ shall not be modified unless approved by the U.S. EPA administrator.

(c) The owner or operator of a designated facility shall comply with the monitoring requirements specified in 40 CFR 60, Subpart Ec, Section 60.57c*. ~~as amended at 74 FR 51412, October 6, 2009.~~

(d) The owner or operator of a designated facility may use the results of previous emissions tests to demonstrate compliance with the emission limits in section 4(b) or 4(c) of this rule, provided that the owner or operator follows the conditions in 40 CFR 60, Subpart Ce, Section 60.37e(f)*. ~~as added at 74 FR 51403, October 6, 2009.~~

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of ~~Air Office of Air Quality~~, **Legal Counsel**, Indiana Government Center North, ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 11-6-7](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3080; filed Sep 28, 2011, 10:59 a.m.: [20111026-IR-326100733FRA](#))

SECTION 7. [326 IAC 11-6-7.1](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-7.1](#) Inspection requirements

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 7.1. (a) The owner or operator of a designated facility shall undergo the following:

(1) An initial equipment inspection that meets the requirements specified in 40 CFR 60, Subpart Ce, Section 60.36e(a)(1) and 60.36e(a)(2)*, ~~as amended at 74 FR 51403, October 6, 2009,~~ within one (1) year after the effective date of the 2011 amendments to this rule. **October 28, 2011.**

(2) An equipment inspection annually thereafter, but not more than twelve (12) months following the previous annual equipment inspection, as outlined in subdivision (1).

(b) The owner or operator of a designated facility shall undergo the following:

(1) An initial air pollution control device inspection that meets the requirements specified in 40 CFR 60, Subpart Ce, Section 60.36e(c)(1) and 60.36e(c)(2)*, ~~as added at 74 FR 51403, October 6, 2009,~~ within one (1) year after the effective date of the 2011 amendments to this rule. **October 28, 2011.**

(2) An equipment inspection annually thereafter, but not more than twelve (12) months following the previous annual equipment inspection, as outlined in subdivision (1).

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of ~~Air Quality~~, **Legal Counsel**, Indiana Government Center North, ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 11-6-7.1](#); filed Sep 28, 2011, 10:59 a.m.: [20111026-IR-326100733FRA](#); errata filed Dec 6, 2011, 11:02 a.m.: [20111221-IR-326110743ACA](#))

SECTION 8. [326 IAC 11-6-8](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-8](#) Reporting and record keeping requirements

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 8. (a) The owner or operator of a designated facility shall comply with the reporting and record keeping requirements in 40 CFR 60, Subpart Ec, Section 60.58c(b) through 60.58c(g)*, ~~as amended at 74 FR 51413, October 6, 2009, and 76 FR 18413, April 4, 2011, excluding the following:~~

- (1) 40 CFR 60, Subpart Ec, Section 60.58c(b)(2)(viii) (bag leak detection system alarms)*. ~~as added at 74 FR 51413, October 6, 2009.~~
- (2) 40 CFR 60, Subpart Ec, Section 60.58c(b)(2)(ix) (CO CEMS data)*. ~~as added at 74 FR 51413, October 6, 2009.~~
- (3) 40 CFR 60, Subpart Ec, 60.58c(b)(7) (siting)*.

(b) The owner or operator of a designated facility shall maintain records of the annual equipment inspections that are required under section 7.1 of this rule, any required maintenance, and any repairs not completed within ten (10) days of an inspection.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, **Legal Counsel**, Indiana Government Center North, ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 11-6-8](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1966; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3080; filed Sep 28, 2011, 10:59 a.m.: [20111026-IR-326100733FRA](#))

SECTION 9. [326 IAC 11-9-3](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-9-3](#) Requirements; incorporation by reference of federal standards

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 3. The ~~air pollution control~~ board incorporates by reference the following sections of 40 CFR 60, Subpart FFFF, Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units that Commenced Construction On or Before December 9, 2004:

- (1) 40 CFR 60.3000 through 40 CFR 60.3002 Compliance Schedule*.
- (2) 40 CFR 60.3010 through 40 CFR 60.3012 Waste Management Plan*.
- (3) 40 CFR 60.3014 through 40 CFR 60.3020 Operator Training and Qualification*.
- (4) 40 CFR 60.3022 through 40 CFR 60.3025 Emission Limitations and Operating Limits*. ~~as amended by 74 FR 67806 (November 24, 2006)*.~~
- (5) 40 CFR 60.3027 and 40 CFR 60.3028 Performance Testing*.
- (6) 40 CFR 60.3030 and 40 CFR 60.3031 Initial Compliance Requirements*.
- (7) 40 CFR 60.3033 through 40 CFR 60.3036 Continuous Compliance Requirements*.
- (8) 40 CFR 60.3038 through 40 CFR 60.3044 Monitoring*.
- (9) 40 CFR 60.3046 through 40 CFR 60.3057 Record Keeping and Reporting*.
- (10) 40 CFR 60.3059 and 40 CFR 60.3060 Title V Operating Permits*.
- (11) 40 CFR 60.3061 Temporary-Use Incinerators and Air Curtain Incinerators Used in Disaster Recovery*.
- (12) 40 CFR 60.3062 through 40 CFR 60.3069 Air Curtain Incinerators that Burn Only Wood Waste, Clean Lumber, and Yard Waste*.
- (13) 40 CFR 60.3076 Equations*.
- (14) 40 CFR 60.3078 Definitions*.
- (15) 40 CFR 60, Subpart FFFF, Tables 1 through 5*, as amended by 71 FR 67806 (November 24, 2006)*.

*These documents are incorporated by reference and may be obtained from the Government Printing Office, 732 North Capitol, Washington, D.C. 20401 or are available for copying at the Indiana Department of

Environmental Management, Office of Air Quality, **Legal Counsel**, Indiana Government Center North, Tenth ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 11-9-3](#); filed Jul 10, 2007, 2:19 p.m.: [20070808-IR-326060437FRA](#))

SECTION 10. [326 IAC 20-95-1](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 20-95-1](#) Applicability; incorporation by reference of federal standards

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 1. (a) This rule applies to sources as provided in the July 1, 2010, edition of 40 CFR 63.7485*.

(b) The air pollution control board incorporates by reference the July 1, 2010, edition of 40 CFR 63, Subpart DDDDD*, national emission standards for hazardous air pollutants for industrial, commercial, and institutional boilers and process heaters.

(c) Owners and operators may use the emission averaging provisions as specified under the July 1, 2010, edition of 40 CFR 63.7522*.

(d) Under [326 IAC 3-6](#), source sampling procedures, a test protocol form for an emissions test is due thirty-five (35) days before the intended test date.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, **Legal Counsel**, Indiana Government Center North, Tenth ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 20-95-1](#); filed Nov 16, 2006, 4:04 p.m.: [20061213-IR-326050023FRA](#); filed Mar 28, 2012, 12:51 p.m.: [20120425-IR-326110472FRA](#))

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